



COUNTY OF LOS ANGELES

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September 21, 2007

TO: Each Supervisor

FROM: Jonathan E. Fielding, M.D., M.P.H.
Director and Health Officer

SUBJECT: **7th STREET PRODUCE MARKET UPDATE**

On February 6, 2007, the Board approved two motions concerning the KNBC-TV report depicting unsafe food storage practices, lax enforcement practices, and inappropriate behavior of wholesale food market operators at the 7th Street Wholesale Product Market.

Supervisor Burke's motion instructed me to 1) report back within 15 days with a specific plan to address public health problems at the wholesale produce markets, specifically the 7th Street Wholesale Produce Market, including review of such options as more frequent inspections, revise inspection criteria, and increase sanctions for violations, and 2) conduct an investigation of staff failures in the inspection of the market.

On February 21, March 23, April 27, June 5, 2007, July 16, 2007 and August 10, 2007, I provided you with detailed status reports. This is a follow-up report with particular attention to actions Public Health has taken since the last report and activities which are ongoing.

UPDATE ON ENFORCEMENT ACTIONS TO DATE:

7th Street Market

1. The addition of two restrooms and janitorial facilities has been halted due to Los Angeles City Building & Safety failure to receive construction plans. When Building & Safety approves the plans, construction will resume. This construction will result in a total of three restroom and janitorial facilities provided at the complex.

2. The central refuse disposal area was completed in late August, and is operational. Tenants will be required to participate in a centralized onsite refuse collection program that includes the provision of marked, lockable garbage dumpsters and a program to collect recycled cardboard in a sanitary manner. The complex owners are still in the process of amending leases for all tenants. According to the complex owners, 95 percent of the tenants have given written approval to participate in the new refuse collection system and they anticipate the remaining tenants will consent by October 1, 2007.
3. The complex owners remain in discussion with the City of Los Angeles regarding a proposal to install an awning/canopy at the loading/staging area of the East building within the complex. As of September 20, 2007, Plan Check Program staff has not received any updated information regarding this proposal. If approved, the awnings would provide protection of food outside.
4. The complex management has eliminated all rodent harborages of damaged exterior building complex walls and screening of exposed drainage pipes and trenches. The rodent proofing of the individual tenant's roll-up doors is nearly complete. Approximately 95 percent of the work has been completed. Walker Door Services is contracted for completion of this project. This issue remains part of the criminal complaint(s) against the complex and the various individual tenants.

Field observations have confirmed full participation by most tenants in a centralized pest control program. This program includes right-of-entry for a complex-wide pest control contractor to inspect and treat individual tenant spaces as well as integrated control measures for the common areas and activities of the complex as a whole.

5. The complex management has completed the resurfacing of the common areas. Also, the resurfacing of the center drain areas that were uneven and pitted has been completed.
6. The complex management submitted plans on June 20, 2007 to improve the plumbing/drainage system for the entire complex including a proposed plumbing schematic model for current and future vacant stalls. Plan Check Program reviewed and approved those plans on June 28, 2007. The complex owners are still waiting for approval of the plans from Los Angeles Building and Safety.

Other Wholesale Produce Complexes

While all wholesale produce market complexes have been inspected, three of the complexes (City/9th Street Market, Overland Market, and the Alameda Produce Market) require long term compliance plans. Tentative 90 day improvement plans have been developed. Meetings are being scheduled with the complex management and tenants to discuss requisite actions and compliance schedules.

Supervision and staff spent two days at the 9th Street Market to survey the entire complex in order to provide a specific plan for improvement to be presented to the complex owner. The Bureau Director has made contact with the complex owner and advised him that the plan would be forthcoming. A joint meeting will be held with the complex owner and operators.

Inspectors continue to inspect and monitor all wholesale markets including the 7th Street Market complex. The condition of the 7th Street Market has remained stable in that: 1) no produce is being dumped on the ground, 2) no food products are stored near garbage or trash receptacles, 3) common restrooms are consistently supplied with hot water, soap and towels, 4) no rodent activity has been observed in the food storage spaces, and 5) all tenants have trash pick-up service.

During the month of August 2007, staff of the Food and Milk Program have completed a total of 24 routine inspections, 7 re-inspections, and 4 complaint inspections at the twelve (12) market complexes within the County. These actions resulted in 2 office hearings and 1 closure. Of those inspections, 10 inspections were conducted at the 7th Street Market.

The wholesale produce market inventory remains at 329 active sites.

Since February 2007, all 329 active wholesale food markets located in complexes or as stand alone sites have been inspected. The cumulative statistical inspection count for the wholesale produce market inventory is as follows: 412 routine inspections; 660 follow-up compliance inspections; 107 complaint inspections; 125 closures; 156 office hearings and; 4 permit revocations.

FIELD MONITORING

The Chief of the Food & Milk Program, along with the lead staff member, continue to monitor the inspection of staff paperwork for accuracy and frequencies. Staff continue to conduct inspections at staggered times to ascertain compliance with County Codes during the produce market's hours of operation.

LEGAL ACTIONS

Environmental Health has attended a total of 23 City Attorney (CA) hearings for individual wholesale markets operating without hot water. The scheduled City Attorney (CA) hearings have been completed. Four court case arraignments were scheduled in the month of August 2007. The court case against the owner/operator of the 7th Street Wholesale Market Complex was continued to September 27, 2007. Three of the wholesale food market defendants entered a plea of no contest resulting in their placement on 36-month summary probation and assessment of fines. One other defendant appeared for his court arraignment and the case was continued to September 27, 2007.

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RECOMMENDATIONS ON CHANGES IN STATE OR COUNTY REGULATIONS

On July 24, 2007, the Board approved an ordinance which will require the owners of any wholesale produce facility to obtain a public health license (in addition to the licenses issued to each individual vendor). The ordinance became effective on August 24, 2007 and the department is beginning enforcement of the new regulations.

I will provide a further update on our progress by November 1, 2007. In the meantime, if you have any questions or need additional information, please let me know.

JEF:tp
PH:702:002(8)

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors